

SMART *on* CRIME

Reforming the Criminal Justice System for the 21st Century



What is Smart on Crime?

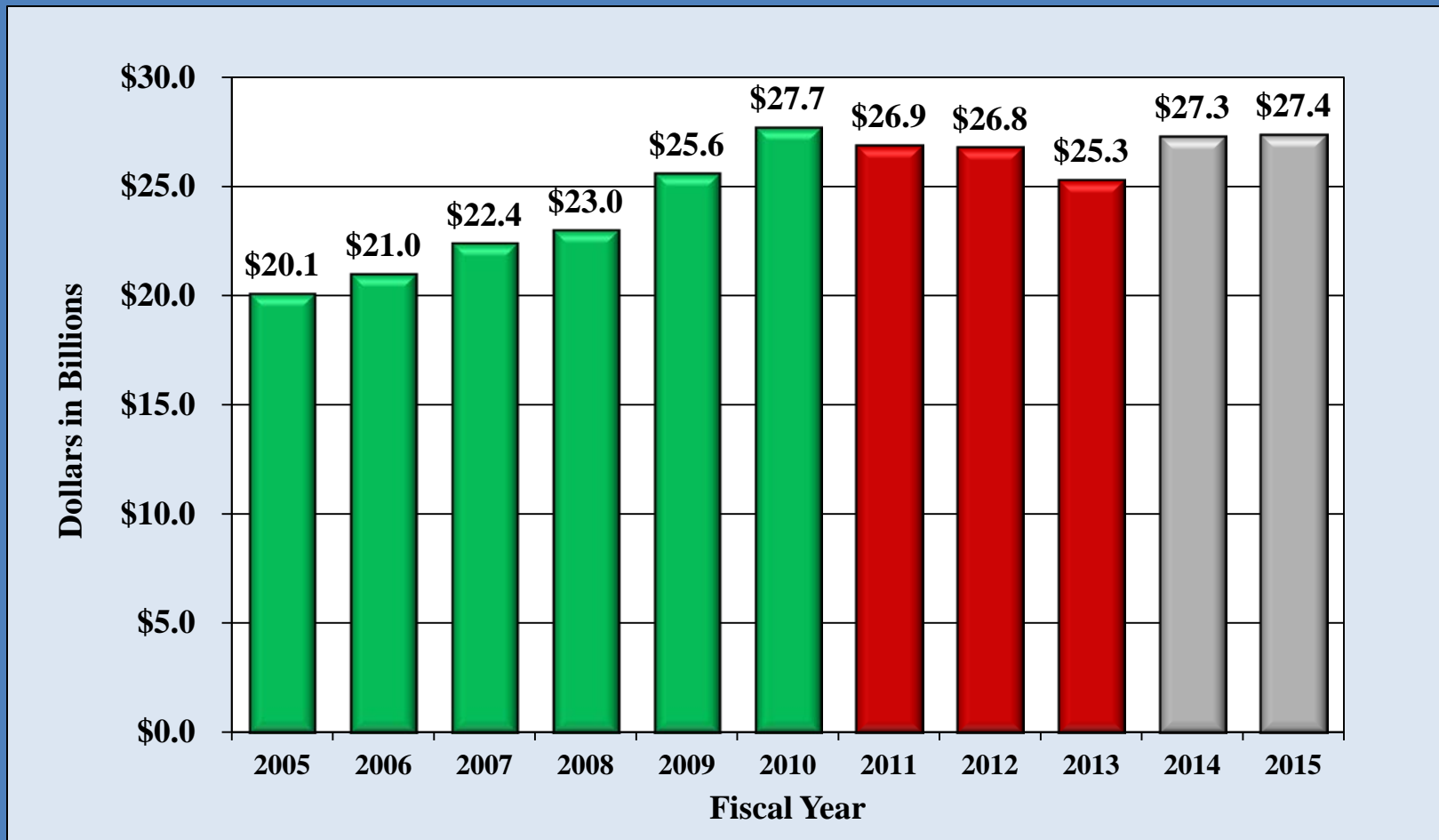
"By targeting the most serious offenses, prosecuting the most dangerous criminals, directing assistance to crime 'hot spots,' and pursuing new ways to promote public safety, deterrence, efficiency, and fairness - we can become both smarter and tougher on crime."

- Attorney General Eric Holder

**Remarks to American Bar Association's Annual Convention in San Francisco, CA
August 12, 2013**

U.S. Department of Justice – Total Discretionary Budget Authority Dollars in Billions, Fiscal Years 2005 - 2015

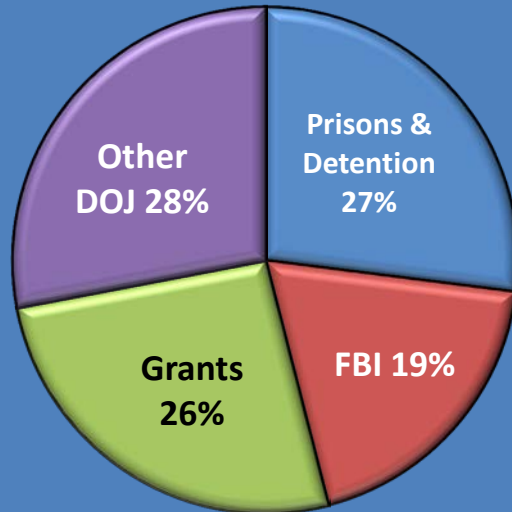
- In FY 2014, the Department's budget was restored to near-2010 levels for both FY 2014 and FY 2015, although levels now remain flat and there is no longer any sustained growth.



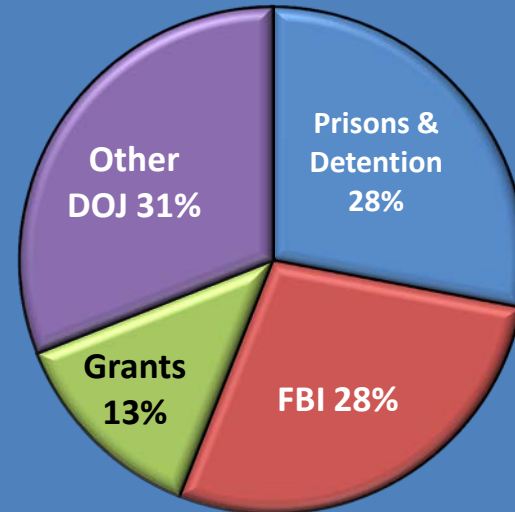
Source: U.S. Department of Justice

Breakdown of U.S. Department of Justice Budget by Category

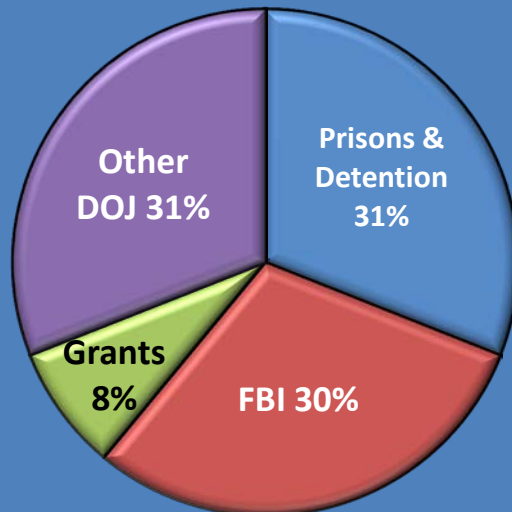
FY 2000



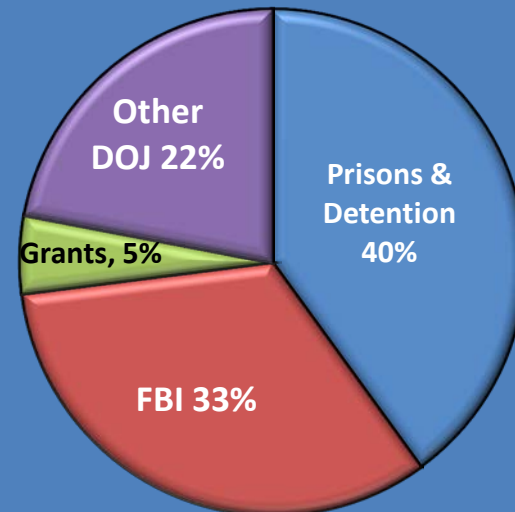
FY 2010



FY 2013



FY 2022



The Five Principles of Smart on Crime

1. Prioritize Prosecutions to Focus on the Most Serious of Cases
2. Reform Sentencing to Eliminate Unfair Disparities and Reduce Overburdened Prisons
3. Pursue Alternatives to Incarceration for Low-Level, Non-Violent Crimes
4. Improve Re-entry to Curb Repeat Offenses and Re-Victimization
5. Surge Resources to Violence Prevention and Protecting the Most Vulnerable Populations

2. Reform Sentencing to Eliminate Unfair Disparities and Reduce Overburdened Prisons

- New Policy on Charging Mandatory Minimums in Drug Cases
- New Policy on § 851 Enhancements
- Across the Board Two-Level Reduction in Base Offense Level Guidelines for Controlled Substances
- Bipartisan Effort to Reduce Statutory Mandatory Minimums in Drug Cases
- Expanded Compassionate Release and other new criteria for early release
- Executive Clemency Initiative

AUSAs Should Decline to Charge a Mandatory Minimum if All of the Following Criteria are Met:

- The Defendant's relevant conduct does not involve violence, threats, a weapon, minors, or the death/injury to any person;
- The Defendant is not an organizer/leader within a criminal organization;
- The Defendant does not have significant ties to a large-scale DTO;
- The Defendant does not have a significant criminal history (typically evidenced by 3 or more criminal history points)

AUSAs Should Decline to File an § 851 Enhancement Unless Severe Sanctions are Appropriate

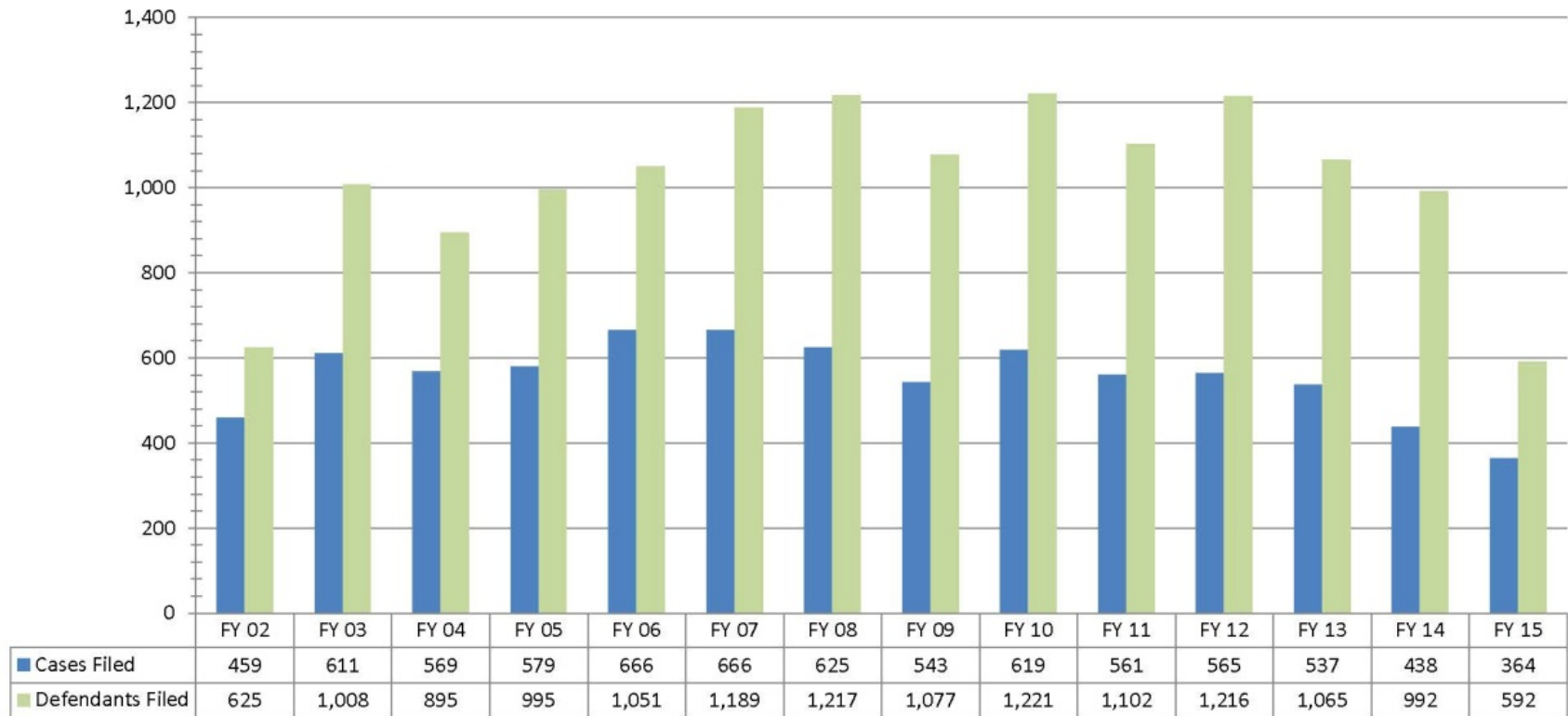
- Organizer/leader
- Threats or violence
- The nature of defendant's criminal history (violent offenses or recent convictions for serious offenses)
- Significant ties to large-scale DTOs
- Would the § 851 Enhancement create a gross sentencing disparity with similar co-defendants?
- Other case-specific aggravating or mitigating factors

CASE TRENDS

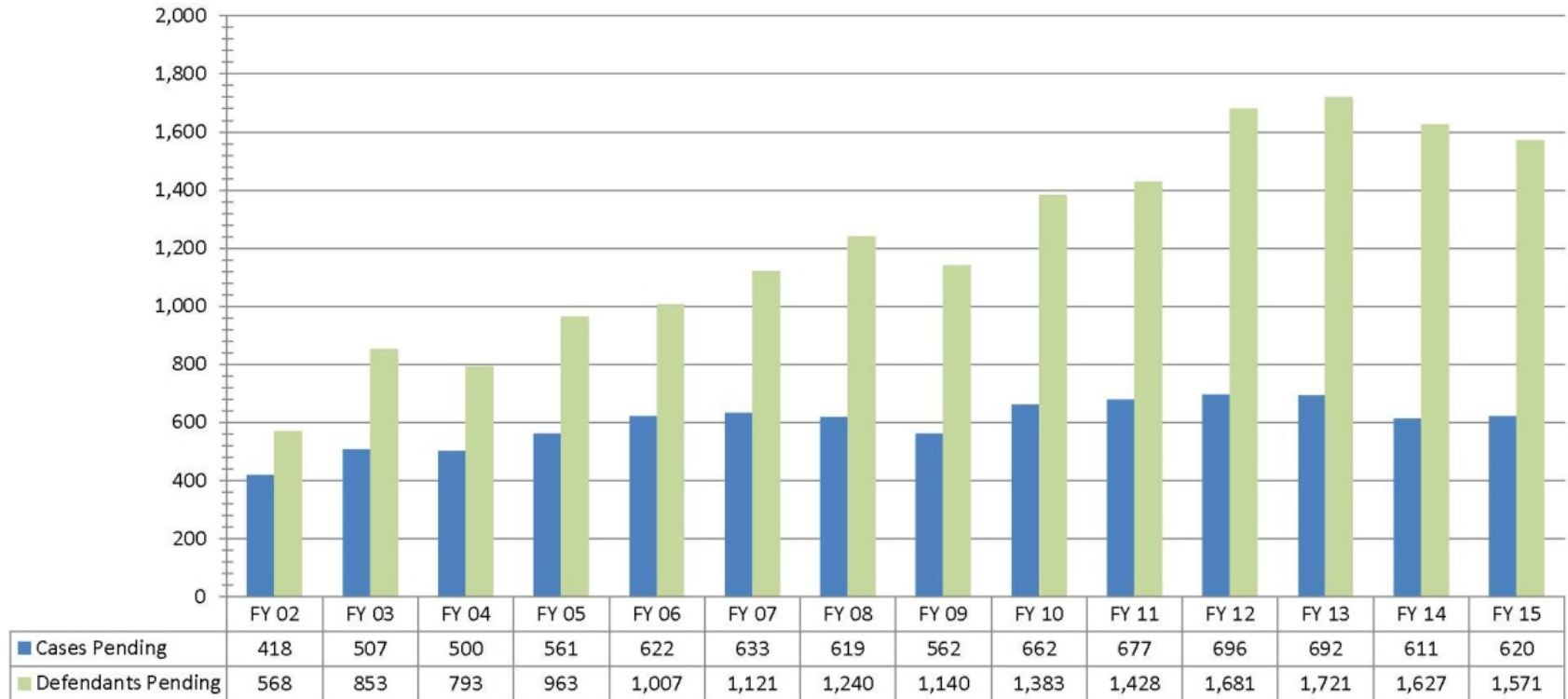


(WHY YOU SHOULD PLEAD GUILTY)

United States Attorneys Criminal Caseload Statistics
Eastern District of Texas
Cases and Defendants Filed

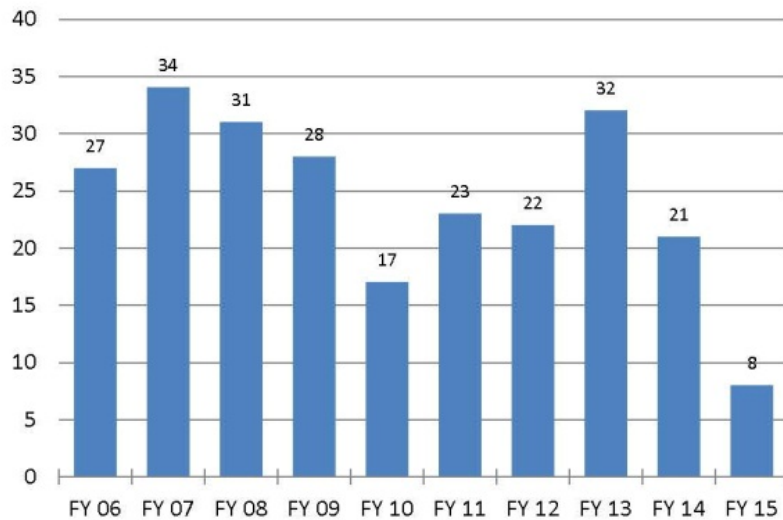


United States Attorneys Criminal Caseload Statistics
Eastern District of Texas
Cases and Defendants Pending

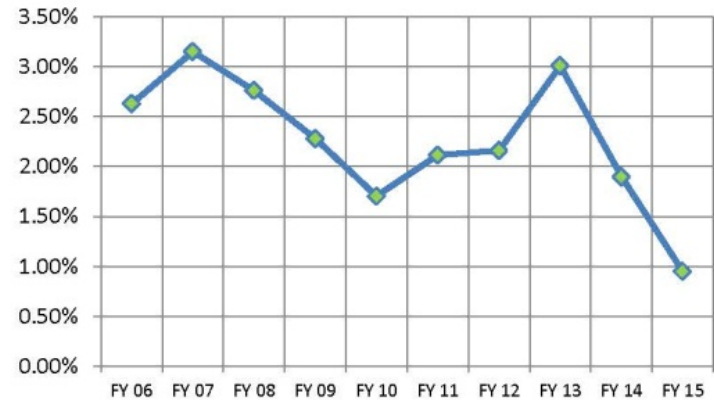


United States Attorneys Criminal Caseload Statistics
Eastern District of Texas
Defendants Disposed of by Trial

Defendants Tried



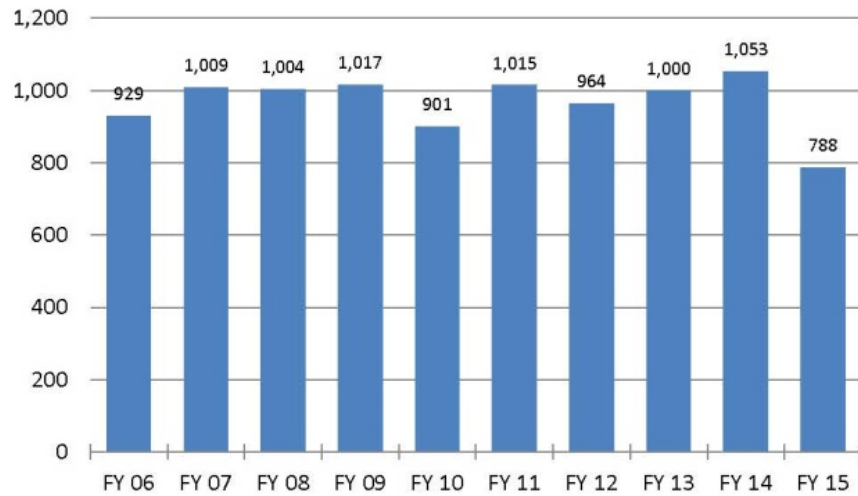
Defendants Disposed of by Trial
As a Percent of Defendants Terminated



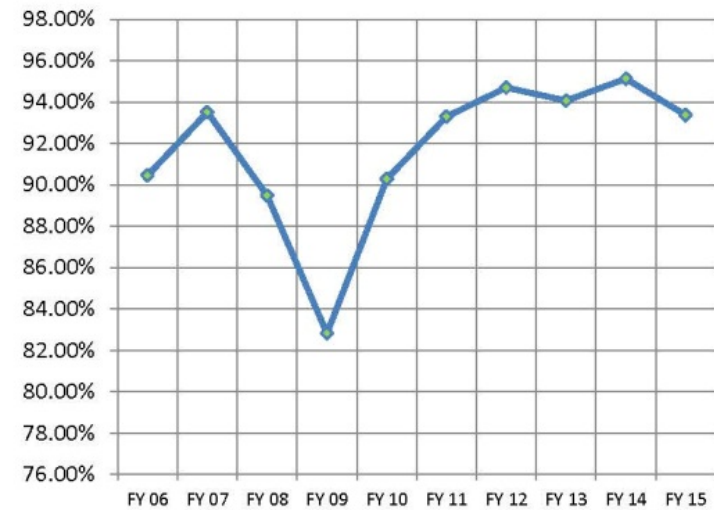
FY 06	2.63%
FY 07	3.15%
FY 08	2.76%
FY 09	2.28%
FY 10	1.70%
FY 11	2.11%
FY 12	2.16%
FY 13	3.01%
FY 14	1.90%
FY 15	0.95%

United States Attorneys Criminal Caseload Statistics
Eastern District of Texas
Number of Guilty Defendants

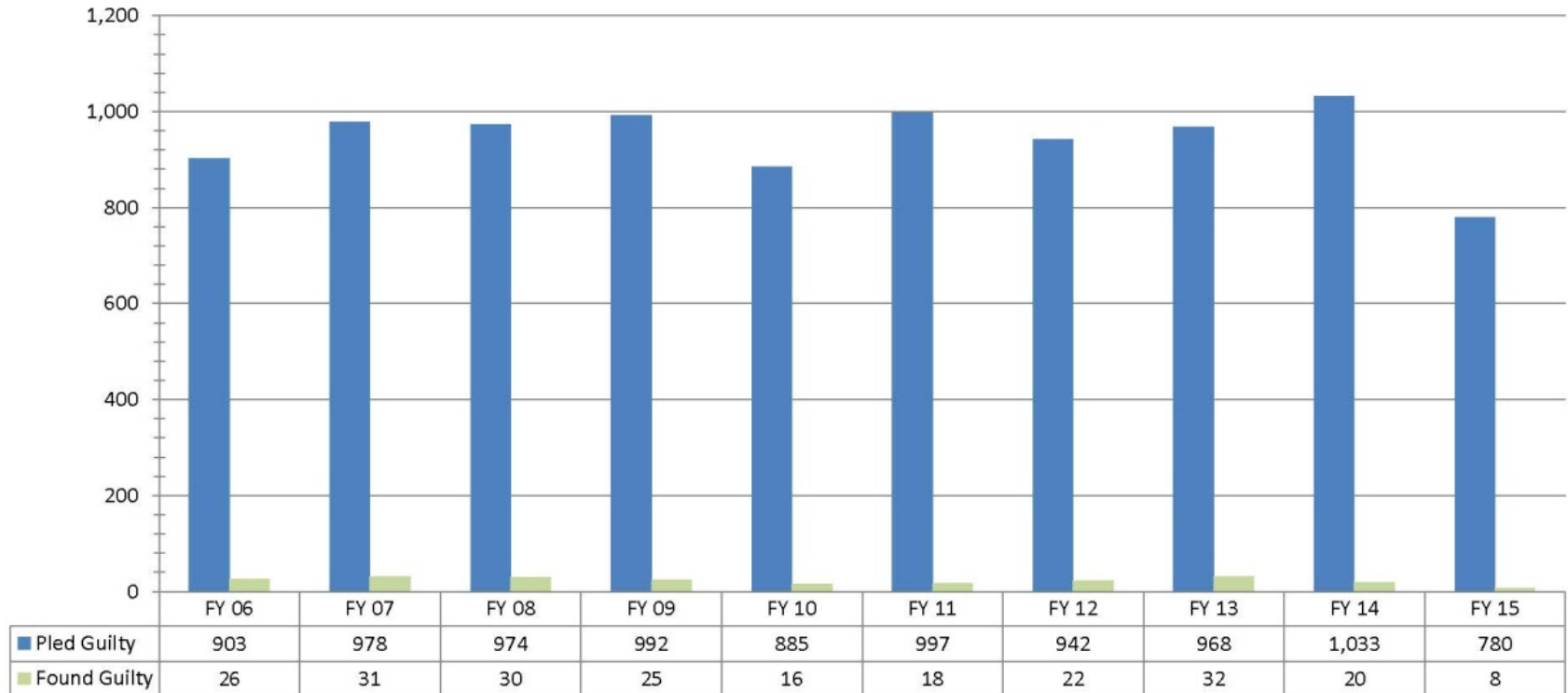
Defendants Guilty



Conviction Rate

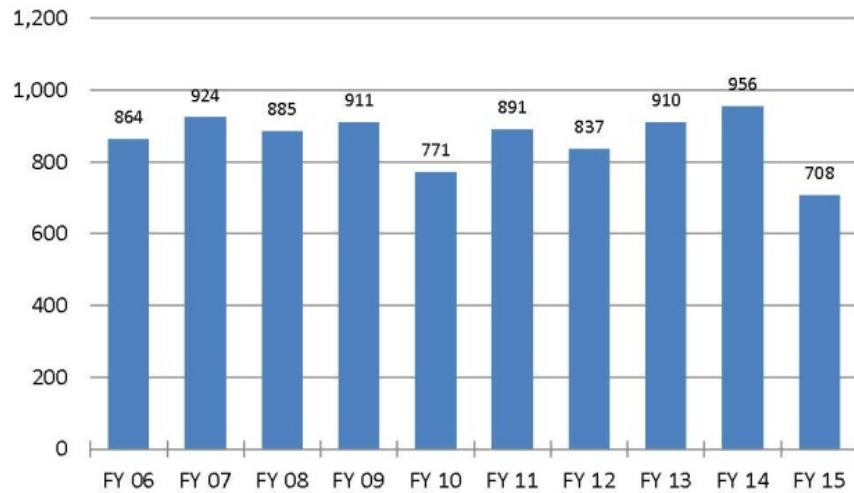


United States Attorneys Criminal Caseload Statistics
Eastern District of Texas
Number of Guilty Defendants - Found Guilty or Pled Guilty

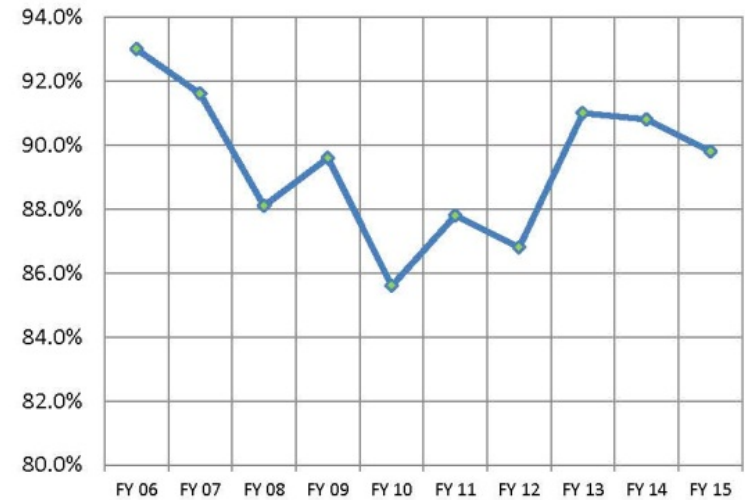


United States Attorneys Criminal Caseload Statistics
Eastern District of Texas
Number of Guilty Defendants Sentenced to Prison

**Number of Guilty Defendants
Sentenced to Prison**



**Percentage of Guilty Defendants
Sentenced to Prison**



Sentence Reduction Practice Tips

- The Process
 - Possibility
 - Preparation
 - Proffers
 - Proactive v. Historical Cooperation
 - Third Party Cooperation
 - Timing

- **The Payoff**
 - **The Committee**
 - **The Motion (Advocacy)**
 - **Timing – The “One Bite” Rule**
- **The Aftermath**
 - **Protection**
 - **Out of District Cooperation**
 - **Future Conduct**